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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,660	08/11/2000	Tom Evslin	176/1	9188

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Jeffrey I. Kaplan, Esq.
KAPLAN & GILMAN, L.L.P.
900 Route 9 North, 5th Floor
Woodbridge, NJ 07095

EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,660

Applicant(s)

EVSLIN ET AL

Examiner

Brian D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Specification is objected to because of the following informalities

Page 4, line 2, it is suggested to change "server 105" to ---server 106---.

Page 7, line 3, it is suggested to change "us" to ---is---.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,587,867) in view of Galasso et al (6,374,302).

Regarding claims 1-3, Miller discloses an apparatus comprising a stored table of information (subscriber profile databases) indicative of plurality of parties to be contacted and within a local community of interest corresponding to a specified set of one or more computers and to which the apparatus can directly route the contact, the stored table including a network address for each party within the local community of interest, and an indicator of which of at least two networks (cellular network, PSTN, Internet) over which the contacted party desired to be contacted; at least two network interface units, each for interfacing to a separate one of the at least two networks for receiving requests to contact parties; and a processor for completing the contact at the address and over the network stored in the table (see abstract; col. 1, lines 13-20;

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col. 5, lines 32-35). Miller does not specifically disclose sending the contact to a different server over the Internet or contact a domain name server over the Internet if the party to be contacted is not in the local community of interest. However, Galasso discloses contacting the server if the party to be contacted is not in the local community of interest (see col. 2, lines 16-34; col. 2, lines 44-53; col. 4, line 41-col. 5, line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to contact the server as taught by Galasso in the system of Miller so that call can be forwarded to its destination.

Regarding claims 4-5, Galasso further discloses receiving information from the DNS, to parse the information to ascertain a network address of a second server having a local community of interest of which the party to be contacted is a part, and for establishing communications over the Internet between the apparatus and the second server; monitoring signals received from the second server during call setup, and for determining when to begin transmission of audio communications (see 620, 630 of figure 4; col. 1, line 36-col. 2, line 5; col. 5, lines 58-64; col. 7, line 44-col. 8, line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to contact the server and use the received information to establish a connection with the called party as taught by Galasso in the system of Miller in order to establish a communication between a source and a destination.

Regarding claim 6, claim 6 is a method claim that has substantially all the limitation of the respective apparatus claims 1-5. Therefore, it is subject to the same rejection.

Regarding claim 7, Galasso discloses the identification of the called party includes an email address associated with the called party (see table 1 in col. 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the

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email address as the identification as taught by Galasso in the system of Miller so that different addresses can be used to identify a called party.

Regarding claims 8-10, Miller discloses using the graphical user interface to update the table (subscriber profile) (see col. 4, lines 26-32).

Regarding claims 11-15, claims 11-15 are method claims that have substantially all the limitations of the respective apparatus claims 1-5. Therefore, they are subject to the same rejection.

Regarding claims 16-18, Miller discloses the called party can change the table (subscriber profile) and prioritizing sets of information (see abstract; figures 10-12; col. 12, line 1-col. 13, line 20).

Response to Arguments

4. Applicant's arguments filed 2/3/05 have been fully considered but they are not persuasive.

The applicant argued that *Miller does not disclose or imply to receive or route the call over the Internet, and therefore it is unlikely for a reader of Miller to look to Galasso for a teaching of gatekeepers*. The examiner disagrees because Miller does disclose to receive or route the call over the Internet (see web server 42 and Internet 44 in figures 1 and 2. Note that IP address is mentioned throughout Miller's reference. Note also that to receive or route a call over the Internet is well known in the art, and therefore it is obvious for a reader of Miller to look to Galasso for a teaching of gatekeepers). *Throughout the disclosure of Miller, the Internet is only used for a subscriber to gain access to the system so as to manage his/her profile and service*

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settings, as clearly described in col. 1, lines 59-61 (which is cited by the Examiner but is contrary to his assertion). The examiner disagrees because if the Internet is used for a subscriber to gain access to the system so as to manage his/her profile and service settings, then the Internet can be used for a caller to call the subscriber. *In addition, unlike the assertion by the Examiner, the "different ways" by which a call reaches the service provider as described in col. 4, lines 47-51 do not include Internet telephony. It shall also be noted that a call made from a computer does not necessarily to be established over the Internet.* This argument is not persuasive because a computer is normally connected to the Internet and a conventional telephone is connected to PSTN. Because Miller's network includes the Internet and discloses the use of IP address, the examiner believes that the computer mentioned in Miller is connected to the Internet.

In addition, the applicant argued that *applicants disagree with the assertion of the examiner that Miller discloses the feature recited in claim 1 of "sending the contact to a different server over the Internet"*. The examiner does state "Miller does not specifically disclose contact a domain name server over the Internet if the party to be contacted is not in the local community of interest. However, Galasso discloses contacting the server if the party to be contacted is not in the local community of interest". Therefore, the phrase "sending the contact to a different server over the Internet" should be inserted after "Miller does not specifically disclose". This typographical has been corrected.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/4/05

BRIAN NGUYEN
PRIMARY EXAMINER